

Committee on Resources

Witness Testimony

Statement of
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Upper Colorado River Compact Commission

Before the Subcommittees on
National Parks & Public Lands
and Water & Power
of the Resources Committee
United States House of Representatives

Concerning the Proposal to Drain Lake Powell

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The purpose of my testimony today is to help express, from a Colorado and Upper Colorado River Basin perspective, our grave concerns as to the effects of draining Lake Powell. To fully appreciate these concerns, members of Congress should understand that this proposal is not just about one dam. Congress authorized the construction and directed the operation of Glen Canyon Dam as a key component of a complex framework of laws known as the "Law of the River." Without the river regulating capacity of Lake Powell and Glen Canyon Dam, that entire complex of laws cannot operate.

The Law of the River was born out of the necessity to provide secure water supplies. It is the product of two interstate compacts, a U.S. Supreme Court decree, and a treaty with Mexico allocating the River's water. It reflects the fact that, for over 100 years, the financial strength and national authority of the Congress have been absolutely necessary to avoid interstate disputes and to secure economic stability for the entire Colorado River Basin.

John Wesley Powell, who first explored the River, in his 1878 "Report on the Land of the Arid Region of the United States," advocated the comprehensive development of the Colorado River Basin. His nephew Arthur Powell Davis, as director of the Reclamation Service, undertook studies and championed this development in the early part of this century.

Economic development interests in the Lower Basin gave support to these plans. Floods in the Lower Colorado River in the first years of this century caused extensive damage, creating the Salton Sea, and bringing urgency to the desires of Southern California irrigators for an All-American Canal and a dam that would regulate the River's flow. The California interests sought financial support for these projects from Congress.

The Upper Basin states were wary that the Lower Basin would develop at the expense of the Upper Basin,

and successfully blocked the effort in Congress. The Upper (Colorado, New Mexico, Utah and Wyoming) and Lower (Arizona, California and Nevada) Basin states resolved their differences in 1922, when they signed the Colorado River Compact.

The Compact divides the River's water between the Basins. It also sets a requirement that the Upper Basin not deplete the flow of water at Lee Ferry, just below the present site of Glen Canyon Dam, below 75 million-acre feet in any ten year period.

Because of the erratic nature of the River flow from year to year, the negotiators of the Compact knew that the Upper Basin could not meet this burden without the comprehensive development, throughout the Basin, of storage reservoirs. At the first meeting of the Colorado River Compact Commission in Washington D.C. in 1922, Herbert Hoover, who was chairman of the Commission and the federal representative, said:

The problem is not as simple as might appear on the surface for while there is possibly ample water in the river for all purposes if adequate storage be undertaken, there is not a sufficient supply of water to meet all claims unless there is some definite program of water conservation.

* * * . . . [T]he solution of the whole problem may well be contingent on storage. . . It would seem to me that it would be a great misfortune if we did not give to Congress and the country a broad project for development of the Colorado as a whole.

The Upper Basin representatives especially knew that their ability to benefit from the compact was dependent on the future development of storage. Colorado's representative, Delph Carpenter, stated in the 13th compact meeting in Santa Fe, New Mexico:

In truth, the best possible safeguard for the lower states to insure delivery at Lee's Ferry within reasonable inclusive figures from year to year would be the immediate development of the reservoir storage in the upper area.

At the time of the compact negotiations, the Reclamation Service had undertaken studies of dam sites along the River, including at Glen Canyon. The attached charts illustrate the point that storage was considered essential to allow for reliable annual flows. In the period of record since 1896, the virgin flow of the River at Lee Ferry has been as low as 5.6 million-acre feet (1934) and as high as 24.5 million-acre feet (1984). The ten-year average annual virgin flow has been as low as 11.8 million-acre feet (1931-1940 and 1954-1963) and as high as 18.8 million-acre feet (1914-1923).

The 1928 Boulder Canyon Project Act ratified the Colorado River Compact, and authorized the construction of the All-American Canal and Hoover Dam. Congress also recognized that reservoir development throughout the basin was essential to the success of the Compact. The Act states:

The Secretary of the Interior is authorized and directed to make investigation and public reports of the feasibility of projects . . . and of formulating a comprehensive scheme of control and the improvement and utilization of the water of the Colorado River and its tributaries.

The Depression and World War II intervened, but in 1946 the Bureau of Reclamation completed its report. It recommended that in order to undertake comprehensive development the states would need to further define their respective allocations of water in the River. The Upper Basin Compact of 1948 allowed Congress to implement the plan. Interests throughout the Basin, including conservation groups, began the process of negotiating and advocating which projects should or should not be built. Although the National

Environmental Policy Act was not in effect at the time, this negotiation and analysis process took years.

This process led to the 1956 Colorado River Storage Project Act, which authorized the construction of a series of so-called "holdover reservoirs," that would assure the Upper Basin could meet its Compact obligations. Congress authorized these reservoirs specifically for the purpose of:

. . .making it possible for the states of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact. . .

Lake Powell is the cornerstone of that system, supported by the Flaming Gorge, Aspinall and Navajo storage units. Together, these reservoirs have a storage capacity of nearly 33 million-acre feet. However, about 26 million-acre feet of this capacity are at Lake Powell.

In the 1968 Colorado River Basin Project Act, Congress recognized that just constructing the storage units did not provide the requisite security to the Upper Basin. Therefore, in Title VI of the 1968 Act, Congress directed the Secretary of the Interior to develop operating criteria that would direct the operation of the Upper Basin storage units in coordination with Lake Mead. Title VI also established priorities for the storage in and release of water from Lake Powell. This comprehensive regulatory framework was implemented in the Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs, adopted by the Secretary in 1970.

Without the ability to properly regulate river flows as provided by these facilities and under these laws, Colorado and the other Upper Basin states would face the prospect of a Compact call from the Lower Basin states. This call could entail massive curtailments of water use by millions of people in the Upper Basin.

Throughout the development of this series of laws, Congress has worked closely with the Basin states, and has explicitly recognized and affirmed the water allocations established under the Law of the River.

This recognition has occurred as recently as 1992, in the Grand Canyon Protection Act. In that law, Congress directed that operations of the power plant at Glen Canyon Dam take into account downstream impacts (which were identified in a \$100 million environmental impact statement). But that law also affirmed the critical role Lake Powell plays in meeting interstate water allocation needs. The Act makes operations for downstream purposes subject to the Dam's primary water storage and release functions for water allocation purposes under the Law of the River. The Report of the House Committee on Interior and Insular Affairs, 102d Congress, 1st Session, Rept. 102-114 (1991) on a House version of the Act (H.R. 429), described Glen Canyon Dam as follows:

The dam is the key structure for controlling deliveries of Colorado River water to the Lower Colorado River Basin States . . .The primary purpose of Glen Canyon Dam is to enable the states of Utah, Colorado, Wyoming and New Mexico to utilize their apportionment of Colorado River water and meet their obligations for water delivery to the states of Arizona, California and Nevada. Lake Powell and other CRSP reservoirs allow the Upper Basin states to take water year-round from the Upper Colorado River for consumptive uses and still store enough spring runoff in Lake Powell to guarantee the required compact deliveries to the Lower Basin states even during a long period of drought.

Likewise, the Report of the Committee on Energy and Natural Resources of the Senate, 102d Congress, 2d Session, Report 102-267 (1992), states:

Glen Canyon Dam is the keystone of the Colorado River Storage Project (CRSP), and CRSP is the central vehicle for implementation of the congressionally approved Colorado River Compact. The Compact is, in turn, the basis for allocation of Colorado River water among the seven Colorado River Basin States.

By storing water in the upper reservoirs at Flaming Gorge, Aspinall and Navajo, regulating the water through Lake Powell, and delivering the water at Lake Mead, the Bureau of Reclamation has the facilities and operational flexibility to meet the needs first envisioned over one-hundred years ago. These facilities ensure a secure water supply for over 20 million people, and a hydroelectric and recreational resource. In addition, as illustrated by operations under the Grand Canyon Protection Act, the Bureau has the ability, through coordinated operations, to also manage the water to meet important national environmental goals.

For example, the Upper Basin states, Bureau of Reclamation, Fish and Wildlife Service and others have developed a recovery plan for four endangered fish species in the Upper Basin. The plan is designed to recover these endangered species while still allowing the Upper Basin states to develop our full allocated Compact share. Under this plan, the operation of these Upper Basin storage units has been changed to more closely approximate the natural hydrograph, while continuing to meet primary water storage and delivery functions under the Law of the River. Without Lake Powell, this operational flexibility would not be possible.

Other aspects of this recovery plan, including habitat acquisition, fish passage structures, conservation and stocking programs, will need to be funded through a combination of hydropower revenues, Congressional appropriations and state and local funds. Thus, maintaining power-generating capacity is critical to our continued ability to undertake this program. The Upper Basin states need the help of Congress now more than ever to meet the priorities of Colorado River management. Meeting the funding needs of this recovery program is critical to the ability of the Upper Basin states to utilize our Compact share.

By directing the draining of Lake Powell, Congress would completely reverse its field, from a direction in which it has steadily engaged since the enactment of the Boulder Canyon Project Act of 1928. It would tear a gaping hole in the fabric of the Law of the River. These and other impacts must be given serious consideration before proceeding to even consider studying such a proposal.

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